



Miami-Dade County Board of County Commissioners

Office of the Commission Auditor

**Legislative Analysis**

**Board of County Commissioners**

Tuesday, February 1, 2005

9:30 AM

Commission Chamber

Charles Anderson, CPA  
Commission Auditor

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**Miami-Dade County Board of County Commissioners**  
**Office of the Commission Auditor**  
**Legislative Analysis**

A written analysis for the below item(s) are attached for your consideration. If you desire further analysis of these or of other agenda items, please contact Gary Collins, Acting Chief Legislative Analyst, at (305) 375-1826.

***Item 4A***

***ORDINANCE AUTHORIZING ISSUANCE OF SOLID WASTE SYSTEM REVENUE BONDS***

***Item 4(I)***

***FY 2003-04 SUPPLEMENTAL BUDGETS***

***Item 4(J) Substitute and Supplement***

***ORDINANCE ESTABLISHING THE SMALL BUSINESS ENTERPRISE (SBE) PROGRAM***

***Item 6(A)***

***ORDINANCE AMENDING SECTIONS 2-98.4 THROUGH 2-98.11 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA CONCERNING NUISANCE ABATEMENT; REVISING PURPOSE, DEFINITIONS, OPERATING PROCEDURES, THE PUBLIC NUISANCE ABATEMENT BOARD, HEARING PROCESS AND FEES AND COSTS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE [SEE ORIGINAL ITEM UNDER FILE NOS. 040526, 041474 AND 042403***

***Item 6(C)***

***ORDINANCE PERTAINING TO IMPACT FEES***

***Item 6(D)***

***ORDINANCE RELATING TO ZONING; MODIFYING COUNTY COMMISSION VOTE REQUIREMENT ON CERTAIN CZAB DECISIONS***

***Item 7(E)(1)(A)***

***RESOLUTION AUTHORIZING ISSUANCE OF \$75,000,000 SOLID WASTE SYSTEM REVENUE BONDS***

***Item 7(F)(1)(D)***

***ACQUISITION OF 1.32-ACRES OF VACANT LAND LOCATED AT NW 112<sup>TH</sup> AVENUE AND NW 17<sup>TH</sup> STREET, MIAMI-DADE COUNTY FOR MIAMI-DADE FIRE RESCUE DEPARTMENT FOLIO #30-3031-000-0010***

**Item 7(I)(2)(A)**

RESOLUTION CHANGING THE NAME OF THE MIAMI-GARDENS/CAROL CITY DISTRICT POLICE DEPARTMENT TO THE MIAMI GARDENS POLICE DISTRICT

**Item 7(J)(1)(A)**

RESOLUTION AUTHORIZING EXECUTION OF THE FOURTH SUPPLEMENTAL AGREEMENT TO THE PROFESSIONAL SERVICES AGREEMENT (PSA) BETWEEN MIAMI-DADE COUNTY AND HNTB CORPORATION IN THE AMOUNT OF \$815,547 FOR PREPARING A SUPPLEMENTAL DRAFT ENVIRONMENTAL IMPACT STATEMENT (DEIS) AND FINALIZING THE FINAL ENVIRONMENTAL IMPACT STATEMENT (FEIS) AS REQUESTED BY THE FEDERAL TRANSIT ADMINISTRATION (FTA)

**Item 7(K)(2)(A)**

RESOLUTION DIRECTING OCED, THE BEACON COUNCIL, AND THE EMPOWERMENT TRUST TO CREATE INCENTIVE PROGRAM FOR OUT OF STATE BUSINESSES

**Item 7(L)(1)(A)**

FY 2003-04 GENERAL FUND YEAR-END BUDGET AMENDMENTS

**Item 7(M)(1)(A)**

WAIVER OF FORMAL BID PROCEDURES TO AUTHORIZE THE PARK AND RECREATION DEPARTMENT DIRECTOR TO EXECUTE UMPIRE AND SCOREKEEPER CONTRACTS

**Item 7(M)(1)(B)**

AMENDMENT TO A00-PARK-02

**Item 9(C)(1)(A)**

RESOLUTION DIRECTING OCED, THE BEACON COUNCIL, AND THE EMPOWERMENT TRUST TO CREATE INCENTIVE PROGRAM FOR OUT OF STATE BUSINESSES

**Item 10(A)(2)**

RESOLUTION URGING THE FLORIDA LEGISLATURE TO ENACT LEGISLATION PROVIDING GREATER ACCESS TO IMMIGRANTS WISHING TO OBTAIN FLORIDA DRIVER'S LICENSES

**Item 10(A)(6)**

RESOLUTION REQUIRING MEMBERS OF ALL COUNTY BOARDS TO COMPLETE ETHICS TRAINING COURSE.

**Item 10(A)(7) SUBSTITUTE**

RESOLUTION REQUESTING MATCHING FUNDS OF \$12,500 TO MIAMI FREE ZONE FOR AGENCIA DE PROMOCÃO DE EXPORTAÇÕES DO BRASIL.

LEGISLATIVE ANALYSIS

ITEM 4A

*ORDINANCE AUTHORIZING ISSUANCE OF SOLID WASTE SYSTEM REVENUE BONDS*

ITEM 7(E)(1)(A)

*RESOLUTION AUTHORIZING ISSUANCE OF \$75,000,000 SOLID WASTE SYSTEM REVENUE BONDS*

Finance Department

I. SUMMARY

Item 7(E)(1)(A)

This resolution authorizes issuance of *Solid Waste System Revenue Bonds, Series 2005* (the "Bonds") not to exceed \$75,000,000 for the purposes of:

- (1) paying all or part of the costs of certain solid waste disposal projects (**see attached for projects and estimated allocations**);
- (2) funding a reserve fund account; and
- (3) paying the costs of issuance of the Bonds.

This resolution also delegates to the appropriate County officials and the Finance Director the authority to perform all necessary actions in connection with this issuance, including the determination of various terms of the Bonds within the limitations in this resolution, in consultation with the County's Financial Advisor (PFM Dade Advisors LLC) and Bond Counsel (Greenberg Traurig, PA and Edwards & Carstarpehn) for this bond issue. The Bonds are expected to be issued in April 2005.

Item 4(A)

This ordinance authorizes the issuance of *Solid Waste System Revenue Bonds* in an amount not to exceed \$150,000,000.

II. PRESENT SITUATION

The costs of certain projects included in the Solid Waste Management (SWM) Department's comprehensive landfill closure plan (presented to the Board in February 2004) are pending financing through this bond issue. These projects are required under state rule of law or actual/anticipated inter-local agreements for the municipal closures.

Based on the timing of this Bond issue and the anticipated changes in the current and near future municipal bond market, the County's Financial Advisor recommended that a negotiated sale, rather than a competitive bid, be utilized for this bond issue. In a negotiated sale, the County deals with one group of Underwriters led by a Senior Underwriter (all Underwriters are chosen from the County's Municipal Underwriting Pool) who will market (i.e. sell) the bonds to buyers, then negotiate fees and the price of bonds with the County before the bonds are issued.

### **III. POLICY IMPLICATIONS**

Rather than presenting an ordinance covering just the \$75 million of projects in 2005, the SWM Department is requesting additional bonding capacity at this time to address the needs of the department over a longer horizon. However, subsequent resolutions for future bonds issues (in approximately 2008, 2012, and 2017) will have to come to the BCC for authorization.

### **IV. ECONOMIC IMPACT**

The Series 2005 Bonds are anticipated to be issued as fixed rate bonds (with a true interest cost no more than 6.25%) in an amount not to exceed \$75,000,000 with maturity dates not to exceed 40 years. The Bonds are limited obligations that will be secured by a pledge of Net Operating Revenues of the Solid Waste Department (SWD)<sup>1</sup> and deposits in the Reserve Account, if any.

According to staff, actual project costs could be slightly higher or lower depending on actual construction inflation over time and once actual bid results are obtained.

### **V. COMMENTS**

There will be no impact on the debt millage because these bonds are not backed by property taxes.

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<sup>1</sup> Net Operating Revenues refers to operating income of the SWD less current expenses for the operation, maintenance and ordinary current repairs to the Solid Waste System.

**All Projects to be Funded (or Partially Funded) with Solid Waste Revenue Bonds, Series 2005 and Future Series**

	Cost (in millions)
<u>Series 2005 (\$75 million)</u>	
Munisport	\$ 31.027
Virginia Key - grant	0.650
Virginia Key - closure (Phase 1)	27.635
Homestead	7.500
Miami-Dade County - North Miami Dade Groundwater Remediation	1.480
Miami-Dade County - South Miami Dade Cell 3 Closure	6.708
	<u>\$ 75.000</u>
 <u>Series 2008 (\$20 million)</u>	
Virginia Key - closure (Phase 2)	\$ 17.365
Miami-Dade County - North Miami Dade Phase 2 Gas Extraction	1.356 (in 2010 dollars)
	<u>\$ 18.721</u>
 <u>Series 2012 (\$40 million)</u>	
Miami-Dade County - North Miami Dade East Cell	\$ 19.924 (in 2012 dollars)
Miami-Dade County - Resources Recovery Cell 19 Closure	2.657 (in 2012 dollars)
Miami-Dade County - Resources Recovery Cell 20 Construction	3.813 (in 2012 dollars)
Miami-Dade County - South Miami Dade Cell 4 Closure	13.301 (in 2013 dollars)
	<u>\$ 39.694</u>
 <u>Series 2017 (\$15 million)</u>	
Miami Dade County - South Miami Dade Cell 5 Closure*	\$ 14.970 (in 2017 dollars)
	<u>\$ 14.970</u>

Resolutions to authorize Series 2008, 2012 and 2017 bond issuances will come to the BCC in the future for approval.  
Total Bonds to be issued under this Ordinance: \$150 million

\* with passage of GOB on Nov 2; project changed to closure (formerly construction)

**LEGISLATIVE ANALYSIS**

Item 4(I)  
*FY 2003-04 Supplemental Budgets*

Item 7(L)(1)(A)  
*FY 2003-04 General Fund Year-End Budget Amendments*

Office of Strategic Business Management

**I. SUMMARY**

This item proposes FY 2003-04 year-end budget amendments in the amount of \$9,867,000 in the Countywide General Fund and \$354,000 in the Unincorporated Municipal Service Area General Fund.

- Attachment #1 was prepared by the Office of Strategic Business Management (OSBM) in response to questions from the Office of the Commission Auditor. It provides additional information on the:
  - Available non-departmental appropriations being reallocated, and
  - Purposes for which the funds are being reallocated.

**II. PRESENT SITUATION**

As indicated in the County Manager's memorandum.

**III. POLICY IMPLICATIONS**

As indicated in the County Manager's memorandum.

**IV. ECONOMIC IMPACT**

Adjustments total \$9,867,000 in the Countywide General Fund and \$354,000 in the Unincorporated Municipal Service Area General Fund.

**V. COMMENTS**

See Attachment #1 for additional information.

**BCC ITEM 4(I) and 7(L)(1)(A)****February 1, 2005****FY 2003-04 General Fund Budget Amendments [BCC ITEM 7(L)(1)(A)]**

Sources used to fund general fund budget amendment

**Available Non-departmental appropriations - \$9.867 million (Countywide); \$354,000 (UMSA)**

	<u>CW</u>	<u>UMSA</u>
Grant Match Reserve	\$973	\$0
Wage Adjustment, FRS, Separation, and Energy Reserve	0	354
Public Safety Reserve	1,030	0
Capital Outlay Reserve	700	0
Summer Youth Employment Program	1,000	0
Non-Departmental savings generated by FEMA Reimbursement	3,119	0
Non-Departmental savings generated by treatment of Emergency Contingency Reserve	<u>3,045</u>	<u>0</u>
<b>TOTAL</b>	<b>\$9,867</b>	<b>\$354</b>

**Elections - \$3.827 million**

<b>Increases over Budget Allocation:</b>	<b><u>Proposed EOY Amendment</u></b>	<b><u>August 2004</u></b>	<b><u>March 2004</u></b>	<b><u>General Operating</u></b>
Employee Overtime - OT required to meet State mandated deadlines	\$ 1,285,000	\$ 452,000	\$ 452,000	\$ 381,000
Seasonal Employee Wages	397,000			397,000
Security Services (GSA)	128,000	128,000		
MDPD Services	114,000	114,000		
ETSD Staff support	148,000	70,000		78,000
Increase support PC Maintenance (ETSD)	115,000	50,000		65,000
Increase expense in Polling Locations	36,000	36,000		
Increase cost of truck rental - day after election pick-up	25,000	25,000		
Increase expense of postage due to mailing of sample ballot and increase request of Absentee Ballots mail out and mailing of additional voter registration cards and media plan	411,000	411,000		
GSA Print- Work Orders - Service Tickets - print election related materials	482,000	482,000		
Increase of General Election supplies	162,000	162,000		
General Building Improvements required	93,000			93,000
Balance to clear Due from Account - balance was overstated	329,000			329,000
EOY Encumbrances	102,000			102,000
<b>EOY TOTAL ADJ:</b>	<b>\$ 3,827,000</b>	<b>\$ 1,930,000</b>	<b>\$ 452,000</b>	<b>\$1,445,000</b>



**BCC ITEM 4(I) and 7(L)(1)(A)**  
**February 1, 2005**

**Human Services - \$1.889 million**

Wage adjustment - \$340,000

Extended Diversion Program (salaries/fringes, other operating detail) - \$184,000  
Salaries/Fringes (\$92,000) and Other Operating (\$92,000)

Summer Youth Employment Program funds budgeted elsewhere - \$1 million (budgeted in non-departmental)  
Funding of \$1 million for the Summer Youth Program was initially budgeted in the non-departmental general fund. However, program expenditures were made from the Human Services Department budget. In order to provide the department with additional authority for these expenditures, \$1 million was transferred from the non-departmental general fund budget.

\$375,000 to fix the budgetary treatment of the New Beginnings Program in Office of Rehabilitative Services.

**Park and Recreation - \$1.582 million**

The majority of this adjustment is needed to cover a revenue shortfall of (\$1.191 million) at Miami Metrozoo. The revenue shortfall is attributable to lower than budgeted attendance; Attendance was budgeted at 580,000 but was realized at 459,400.

The balance of the budget amendment (\$391,000) is associated with expenditures related to termination payments.

**Corrections and Rehabilitation - \$1.423 million General Fund Amendment and Supplemental Budget of \$1.1 million - \$3.523 million Total**

There were delays in the completion of several capital projects (Fire Watch, Fire Alarm System, Medical Housing, and Smoke Evacuation System). All of these Capital Projects require correctional staff assigned to contracted work crews projects (\$277,530). Medical treatment (\$756,900) of inmates increased overtime costs primarily due to required medical housing of inmates outside of Ward D including the use of non-public hospitals due to logistics of the inmate population. Rate of attrition and employees on intermittent and long term leave in jail facilities affects operations, requiring an adequate number of regularly scheduled staff (\$630,750). Sworn staffing levels did not allow scheduled utilization of earned leave, which results in increased unscheduled leave usage in jail facilities and thus increases overtime (\$419,140). MRSA bacteria outbreak of Methicillin Resistant Staphylococcus Aureus (highly contagious and serious skin infection) in summer of 2004 among sworn correctional employees required mandated leave (\$35,000). Double bunking as a result of the MRSA outbreak caused an increase in the average daily inmate population in regular and isolated quarters, reduction of inmate releases per day, and restricted availability of cells (\$403,680).

**Employee Relations - \$342,000**

Employee Relations does not charge for "Service Excellence" customer service training nor do they charge for other types of training assistance such as GOB and "Results Oriented Government". The personnel required for these projects divert staffing from billable training courses resulting in a loss of revenue.

**International Trade Consortium - \$152,000**

ITC was allocated \$157,000 from CDBG funds for operational support. It was determined that ITC activities, at this time, could not be reimbursed because of CDBG requirements and the inability to meet all the CDBG

**BCC ITEM 4(I) and 7(L)(1)(A)**

**February 1, 2005**

funding requirements. Since we could not obtain reimbursement for operational cost from the CDBG funding source, we provided the funding from the General Fund.

**Strategic Business Management - \$95,000**

Cutler Ridge and Goulds study was combined.

**Communications - \$83,000**

Separation costs - \$51,000

Backfill costs - \$15,000

Other costs (Miami-Dade TV promotional spots, Community Periodicals, and savings) - \$17,000

**Community Relations \$46,000**

Type of operating expenses = These deployments required the use of car pool vehicles, radios and related ancillary expenses that impacted OCR's budget.

**FY 2003-04 Supplemental Budget [BCC ITEM 4(I)]**

**Team Metro**

\$780,000 due to 13 new positions phased-in during the course of the fiscal year (\$196,000); overdue personnel evaluations (\$261,000); overtime associated with weekend and after hours code enforcement activities (\$323,000)

\$493,000 due to temporary employees to assist with workloads at the regional offices and EDMS activities (\$323,000); printing and postage for additional mail-outs associated with code enforcement cases (\$129,000); training of all Neighborhood Compliance Officers (\$41,000);

**General Services Administration**

The \$4.1 million supplemental budget for Fleet Management is due to fuel price increases (\$3 million) and the adjustment to the compensation of 160 fleet mechanics (\$1.1 million)

**LEGISLATIVE ANALYSIS**

*ORDINANCE ESTABLISHING THE SMALL BUSINESS ENTERPRISE (SBE) PROGRAM*

Department of Business Development

**I. SUMMARY**

This creates a Small Business Enterprise (SBE) Program for goods and services.

An overview of the program and a comparison with Broward County is attached.

**II. PRESENT SITUATION**

As a result of two federal court rulings finding that applying Minority and Women Business Enterprise measures are unconstitutional, the County Attorney has advised that these programs can no longer be applied to the bid and award of any County contract.

For construction and architectural/engineering contracts, a Community Small Business Enterprise (CSBE) Program and Community Business Enterprise (CBE) Program, respectively, already exist.

**III. POLICY IMPLICATIONS**

This race, ethnic and gender-neutral program is likely to be viewed more favorably by the courts.

Since the ruling, there are several short-term contracts that have been created or extended, pending replacement with long-term contracts that utilize the SBE Program.

**IV. ECONOMIC IMPACT**

This program will enhance the contracting and procurement opportunities of small businesses.

The program requires that, each fiscal year, a minimum of 5% of the total value of contracts \$50,000 or less that the County spends on goods and services must be spent on Micro Enterprises (MEs).<sup>1</sup>

- In FY03-04, a total of 232 contracts valued between \$10,000 and \$50,000 were awarded, and the total value was \$6,156,802. Thus, if the SBE Program had been in effect, at least \$308,000 should have gone to certified ME firms.

The fiscal impact of the Small Business Advisory Board is \$2,500/year to cover meeting costs, outreach and additional direct costs. (no indirect costs are anticipated)

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<sup>1</sup> ME is defined as having three year average gross revenues of \$2 million or less (or a manufacturer with less than 50 employees or a wholesaler with less than 15 employees, without regard to gross revenues).

**BCC ITEM 4(J) Substitute and Supplement**  
**February 1, 2005**

**V. COMMENTS**

An administrative order that sets out procedures for implementing this program is forthcoming to the BCC (possibly in March 2005).

According to the ordinance, a firm awarded a set-aside contract can transfer all or part of the actual work to a non-SBE and still be in compliance, as long as the transfer receives prior approval from DBD.

- Does this allow non-SBEs to benefit from the SBE program while circumventing the certification process?

The SBE Program provisions require a great deal of documentation to ensure compliance and transparency.

- Will compliance and certification documents/procedures be streamlined to ensure maximum participation in the program, with adequate safeguards to prevent misrepresentation? Will adequate time to submit corrections or missing documents, before denying or canceling contracts, be included?

**Comparison of Small Business Enterprise (SBE) Programs**

Component	Miami-Dade (proposed)	Broward (adopted in 2004)
SBE eligibility - location	actual place of business in Miami-Dade, occupational license, and serving a commercially useful function	actual place of business in Broward, occupational license, and serving a commercially useful function
SBE eligibility - gross revenues and number of employees (goods and services)	SBE: three year average gross revenues does not exceed \$5 million; or a manufacturer with 100 employees or less or wholesaler with 50 employees or less without regard to gross revenues	SBE: three year average gross revenues does not exceed \$1 million <b>and</b> independently owned and operated with 25 or fewer permanent employees
	Micro Enterprise (ME): three year average gross revenues does not exceed \$2 million; or a manufacturer with 50 employees or less or wholesaler with 15 employees or less without regard to gross revenues	No equivalent
SBE eligibility - gross revenues and number of employees (construction)	This SBE program is only for goods and services. (A CSBE program already exists for construction contracts.)	SBE: three year average gross revenues does not exceed \$3 million <b>and</b> independently owned and operated with 25 or fewer permanent employees
SBE eligibility - gross revenues and number of employees (professional consultants)	This SBE program is only for goods and services. (A CBE program already exists for Architectural or Engineering contracts.)	SBE: three year average gross revenues does not exceed \$500,000 <b>and</b> independently owned and operated with 25 or fewer permanent employees
SBE Program participation	SBE, SBE subcontractor, or a joint venture with one or more SBEs	SBE, SBE subcontractor, a joint venture with one or more SBEs, or the purchase of materials/services necessary for the contract work from one or more SBEs
Incentive programs for Certification	minimum of 5% of the total value of contracts less than \$50,000 for goods and services to MEs.	no specified minimum of participation by SBEs
	<b>Set-asides</b> (May apply to contracts greater than \$50,000. Prior to bid advertisement, there must be at least 3 available SBEs to perform the contract)	<b>Set-asides</b> (certain contracts less than \$250,000 may be set aside for exclusive competition by certified firms)
	<b>Sub-contractor goals</b> (May apply to contracts greater than \$50,000)	<b>Contractor goals</b> (May apply to contracts of any amount)
	<b>Bid preference</b> (May apply to contracts awarded on the basis of price only and are not set-aside. The preference is only for evaluating the bid and doesn't affect the contract price)	None under this SBE program (Bid preference only provided in the form of local preference)
	- for contracts of \$1 million or less, the preference will be 10% of the bid	
	- for contracts over \$1 million, the preference will be 5% of the bid	
	- for contracts less than \$50,000, MEs get automatic preference of 10% of the bid	
	<b>SBE Selection Factor</b> (May apply to RFOs, RFQs and RFIs for contracts greater than \$50,000)	
	- For contracts that assign weights to evaluation/selection criteria, the SBE receives an additional 10% of the evaluation points scored on the technical portion of such bidder's proposal	
	- For contracts that do not assign weights, whenever there are two best ranked proposals that are substantially equal and only one of the two is an SBE, the selection factor will be the deciding factor for the award.	

**Comparison of Small Business Enterprise (SBE) Programs**

Component	Miami-Dade (proposed)	Broward (adopted in 2004)
<i>Small Business Advisory Board - membership</i>	15 members	9 members, each Commissioner appoints one member, but composition must be as specified below:
	- one member to be appointed by the Mayor	- Minority small business owner
	- one member to be appointed by each County Commissioner	- Woman small business owner
	- one member to be appointed by the County Manager	- Small business owner
		- Prime contractor
		- Representative of an architectural and engineering consulting firm
		- Representative of a lending institution
		- Representative of a small business technical assistance organization
		- Representative of a minority business organization
		- Representative of a women's small business organization
<i>Small Business Advisory Board - terms</i>	Terms of the Mayoral and Commissioner appointees are coterminous with the term of the respective appointer. The term of the County Manager appointee is at the will of the County Manager. No member may serve more than 4 consecutive years.	Serve at will of appointing commissioner, or until the nominating commissioner vacates his/her office. Term not to exceed two consecutive 4-year terms.
<i>Department responsible for administration and compliance</i>	Department of Business Development	Small Business Division (under the Office of Equal Opportunity)
<i>Penalties for Non-compliance</i>	Possible sanctions include: suspension of any payment or part thereof; work stoppage; termination, suspension or cancellation of the contract in whole or part.	May terminate the contract
	Administrative penalties include: may be recommended to be disqualified from contracting or subcontracting on future contracts for up to 3 years; loss of eligibility to be certified as a SBE or ME for up to 3 years.	Not specified
<i>Penalties for Fraud/Intentional Misrepresentation</i>	Termination of contract (where practicable) or cancellation of subcontract for the project on which the bidder committed such act. In addition, the above sanctions may be imposed on other contracts.	Termination of contract
	Will be excluded from County contracting up to 5 years.	Will be recommended to be disqualified from contracting or subcontracting on future Broward contracts for up to 3 years.
		May also be subject to suspension or debarment
<i>Recertification</i>	Annually	Every 36 months

## LEGISLATIVE ANALYSIS AND ECONOMIC IMPACT STATEMENT

*ORDINANCE AMENDING SECTIONS 2-98.4 THROUGH 2-98.11 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA CONCERNING NUISANCE ABATEMENT; REVISING PURPOSE, DEFINITIONS, OPERATING PROCEDURES, THE PUBLIC NUISANCE ABATEMENT BOARD, HEARING PROCESS AND FEES AND COSTS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE*

Miami-Dade Police Department

### I. SUMMARY

This proposed ordinance would amend Chapter 2 of the Code to:

- Increase authorities and broadens the range of included offenses under the Nuisance Abatement Ordinance (NAO) and of the Nuisance Abatement Board (NAB), including authority for the NAB to impose fines and issue subpoenas;
- Expand the NAB membership from 9 members to 13 members (one per commission district) [Sec. 2-98.7, handwritten p. 14];
- Liberalizes NAB membership to permit non-residents of Miami-Dade County [Sec. 2-98.7(a)(1), handwritten p. 14]; and
- Expand NAO coverage to municipalities with which interlocal agreements have been executed [Sec. 2-98.4, handwritten p. 8].
- Authorize retroactive application of the changes to the original date of adoption of the ordinance, or the dates of amendments to Florida Statutes, 893.138 that authorize the changes [handwritten p. 25].

The Public Safety Committee (PSC) on July 20, 2004 expressed concern about clarifying each municipality's option to execute an interlocal agreement for Miami-Dade Police Department (MDPD) assistance with nuisance properties within the municipality, regardless of whether or not they contract for MDPD police services. The text of the proposed item does not appear to address the PSC's concerns even though the County Manager's memorandum recommending the item indicates it was addressed.

### II. PRESENT SITUATION

After a premise is considered a public nuisance, the NAB can order the property owner to pay costs, but the NAB cannot impose fines.

NAB membership is now defined as 9 members

### III. POLICY CHANGE AND IMPLICATION

To activities that can trigger a premise being determined to be a public nuisance:

- Adds "*possession*" of controlled substances [Sec. 2-98.4 & 2-98.5.A(2)(a), handwritten pp. 8-9], illegal "*possession*" of alcoholic beverages [Sec. 2-98.4 & 2-

## BCC ITEM 6(A)

February 1, 2005

- 98.5.A(2)(d), handwritten pp. 8-9], and *“other criminal activity as defined in federal laws and/or Florida Statutes, or violations of the Code of Miami-Dade County”* [Sec. 2-98.4 & 2-98.5.A(2)(f), handwritten pp. 8-9]
- Reduces to one (1), the number of incidents of use *“by a youth and criminal street gang for the purpose of conducting a pattern of youth and criminal street gang activity”* [previously required more than two (2) such uses] [Sec. 2-98.5.A(1), handwritten p. 9];
  - With premise use on more than two (2) occasions within 12 months:
    - Adds *“Manufacture, cultivation, or possession”* of controlled substances *“including, but not limited to substances and pharmaceuticals...any substance sold in lieu of a controlled substance...or any imitation controlled substance”* [Sec. 2-98.5.A(2)(a), handwritten p. 9]
    - Clarifies prostitution includes *“any violation of Florida Statutes Chapter 796, as it may be renumbered or amended from time to time”* [Sec. 2-98.5.A(2)(b), handwritten p. 9];
    - Adds illegal *“possession”* of *“containers, or open containers”* of alcoholic beverages [Sec. 2-98.5.A(2)(d), handwritten p. 9];
    - Adds *“as site of...dealing in stolen property”* [Sec. 2-98.5.A(2)(g), handwritten p. 9];
    - Adds *“as site of juveniles in violation the Miami-Dade County Juvenile Curfew Ordinance”* [Sec. 2-98.5.A(2)(g), handwritten p. 9].
    - Adds *“as site in which Owner(s) and/or property is in violation of:”*
      - *Public Nuisances on Leased Property* per the Code [Sec. 2-98.5.A(2)(i)(i), handwritten p. 10];
      - *Minimum Vacant Housing Standards, Demolition of Uninhabited Structures Ordinances, Unsafe Buildings* per the Code [Sec. 2-98.5.A(2)(i)(ii), handwritten p. 10];
      - *Unsanitary Health Nuisance Statutes* per Florida Statutes and the Code [Sec. 2-98.5.A(2)(i)(iii), handwritten p. 10];
      - *Illegal dumping or illegal use of Property* per Florida Statutes and the Code;
      - *Environmental Protection Ordinance* per the Code and violations of Florida Statutes and Federal Environmental (Nuisance) Laws [Sec. 2-98.5.A(2)(i)(v), handwritten p. 10];
      - *False Alarm Ordinance* violations with *on a repeated basis six false alarm signals during two or more registration periods* per the Code [Sec. 2-98.5.A(2)(i)(vii), handwritten p. 10];
      - *Place of habitation or feeding of Miami-Dade County Pit Bull Ordinance* per the Code [Sec. 2-98.5.A(2)(i)(vii), handwritten p. 10];
      - *Illegal or Unlicensed Practice of Medicine, Dentistry, Funeral Services, or Health Care Services in Violation of Federal law and Florida Statutes...that may endanger the Public Health, Safety, and Welfare* [Sec. 2-98.5.A(2)(i)(viii), handwritten pp. 10-11].



**BCC ITEM 6(A)**  
**February 1, 2005**

Add definitions for:

- *Complaint* to include any complaint or incident documented on a local, state, or federal law enforcement report, citation, warning notice, notarized affidavit, oral or written sworn statement, or *reasonable belief (as substantiated by local, state, or federal law enforcement, judicial, or government officials)* [Sec. 2-98.5.B, handwritten p. 11]
- *Owner* to include *property manager and business manager* [Sec. 2-98.5.C, handwritten p. 11];
- *Places/Premises* to include, but not limited to, *any residential, business, land, vacant lot, parking area, vessel, vehicle, area controlled by a homeowner or condominium or other similar association, or other property that comes within the control of business, or business enterprise, or other activity associated with a business* [Sec. 2-98.5.D, handwritten p. 11]; and
- *Occasion* to include *each instance and/or day of activity* [Sec. 2-98.5.E, handwritten p. 11].

Updates notification processes and adds that notification to a business owner may constitute notification to the property owner [Sec. 2-98.6, handwritten p. 13].

Adds subpoena power for the NAB and/or County Attorney [Sec. 2-98.6, handwritten p. 13].

Increases NAB membership to 13 (one per Commission District) in recognition that there are now 13 Commission Districts [Sec. 2-98.7, handwritten p. 14].

Authorizes non-residents of Miami-Dade County to be NAB members upon 2/3 vote of the BCC [Sec. 2-98.7(a)(1), handwritten p. 15].

Authorizes alternate NAB members to be appointed by the Mayor, the County Manager, and the Director of MDPD or his designee subject to ratification by the BCC [Sec. 2-98.7(a)(5), handwritten p. 15].

Ties NAB members' terms to the term of the appointing commissioner and sets 8 consecutive years as the term limit with ability to be reappointed after a 2-year hiatus [Sec. 2-98.7(b), handwritten p. 15].

Expands upon NAB hearing processes [Sec. 2-98.7(d)-(e), handwritten pp. 16-19].

Provides authority for the NAB to consider the general reputation of the Owner(s) or their associates, employees, or tenants, and evidence concerning other properties that may be owned, managed, or controlled by the Owner(s) [Sec. 2-98.7(e)(1), handwritten p. 17].

Establishes a Prehearing Settlement process.

**BCC ITEM 6(A)**  
**February 1, 2005**

Authorizes the NAB to order fines in increments of \$250 or ...higher or lesser amount as it deems appropriate and necessary, per incident and/or day of noncompliance.... not exceed[ing] \$15,000 (or a total amount as allowed by Florida Statute 893.138, as amended) each time a premises is declared a public nuisance [Sec. 2-98.8(b), handwritten pp. 19-20]. [See Attachment #1 for a copy of Florida Statute 893.138.]

Enforcement provisions specify:

- A \$250 fine for *each day the Owner does not comply with the Board's Order or the property continues to be a public nuisance; and*
- A \$500 fine and/or imprisonment in the county jail for not more than 60 days for *any person who hinders, or obstructs, any County or State Official, in the discharge of duties...in carrying out the Orders of the Board [Sec. 2-98.10, handwritten p. 24].*

Authorizes the NAB to recover costs for monitoring of the premises and/or investigation of all incidents and/or conditions....Costs include those of other departments and may include other Municipal, State, Federal Law Enforcement or Government Agency [handwritten p. 20].

Removes the one year requirement before the County may foreclose on an unpaid lien [handwritten p. 23].

Sets 18% per annum as the interest rate to accrue on unpaid costs and/or fines [handwritten p. 23].

**IV. ECONOMIC IMPACT**

The County Manager's "Fiscal Impact Report" attached to the item states that "*the revenue [from the proposed changes] cannot be accurately estimated in advance*" except that a new Administrative Officer 1 position at MDPD to administer the program "*will result in cost savings associated with reduced calls, less crime and disturbances on these properties*" in excess of the anticipated \$85,000 direct cost for salary and equipment for the new position.

Impact on municipalities: The proposed ordinance does not indicate whether or not municipalities will be charged fees for MDPD assistance with nuisance properties as is authorized in this item.

**V. COMMENTS AND QUESTIONS**

The broadness of some of the proposed provisions, and the absence of any exemptions, may have unintended consequences such as if someone were to use the broadened definitions to file NAO complaints about covered activities that take place at public facilities, like parks.

**BCC ITEM 6(A)**  
**February 1, 2005**

The extent of the expansion of NAO infractions and NAB authorities may give rise to concern from a civil liberties perspective.

Questions:

- *Will municipalities that choose to execute interlocal agreements with MDPD for assistance with nuisance properties be charged fees for these services?*
- *If fees will be charged, will older municipalities be charged the same fees as newer communities that are now required to pay for specialized police services?*

## **LEGISLATIVE ANALYSIS**

### ***ORDINANCE PERTAINING TO IMPACT FEES***

Department of Planning & Zoning

#### **I. SUMMARY**

This ordinance pertaining to impact fees will amend Section 8-11 of the Code of Miami-Dade County, Florida to provide for determination of Impact Fees as of the date of commencement of construction of certain buildings and structures built without permits or with expired permits.

#### **II. PRESENT SITUATION**

- On June 1<sup>st</sup>, 1989, Miami-Dade County began collecting Impact Fees from Construction and Development Companies for Roads. Since then the County went on to begin collecting impact fees for:
  - Fire and Emergency Services;
  - Police Services;
  - Parks, and
  - Education Services.
- Currently, fees are paid as a pre-development cost to assist with funding additional expenses for the services provided for new development.
- The fees collected by the County attempts to alleviate and offset the monetary impact of these new expenses that would be placed solely on the constituents of the County.
- Impact fees are required to be paid prior to the issuance of any permit to build a project.
- The Department of Planning and Zoning identifies impact fees that should be paid for a particular project and they attempt to retrieve the fees from the respective companies.
- There is currently an Amnesty Ordinance that allows permits to be given to companies after the commencement of a construction project, if the permit was not initially required before the fact.

#### **III. POLICY IMPLICATIONS**

- This ordinance provides legislation expressing that the determination of impact fees placed on developers shall be established by the date of commencement of

**BCC ITEM 6(C)**  
**February 1, 2005**

construction of certain buildings and structures built without permits or with expired permits.

- Construction and Development companies will only be responsible for paying Impact Fees that were required at the commencement of that particular project.
- DP&Z will not be able to go after impact fees that were not required when construction was initiated.
- Eligible applicants must come forth and prove their date of building commencement to reap the benefits of this ordinance.

**IV. ECONOMIC IMPACT**

It has been expressed that there may be a negative fiscal impact because the County may not pursue certain development impact fees. However, it will be difficult to determine the fiscal impact due to the uncertain amount of applicants eligible to take advantage of the program.

**V. COMMENTS**

**DATE (S) IMPACT FEES WERE ESTABLISHED**

**1. JUNE 1, 1989-----ROADS**

**2. MARCH 30, 1990-----FIRE & EMERGENCY SERVICES**

**3. APRIL 30, 1990-----POLICE SERVICES**

**4. JUNE 19, 1990-----PARKS**

**OCTOBER 1, 1995-----EDUCATION SERVICES (SCHOOLS)**

(Attachment: Impact Fee Rate Schedule)

# MIAMI-DADE COUNTY IMPACT FEE RATE SCHEDULE - Effective October 1, 1995

LAND USE	ROAD W 77 AVE	ROAD E 77 AVE	FIRE	POLICE	SCHOOL	PARKS DIST 1 N SW 8 ST	PARKS DIST 2 Middle	PARKS DIST 3 S SW 184 ST	UNITS
Port and Terminal									
Truck Terminals	\$1.55	\$1.477	\$0.1664	\$0.147					sq. ft.
<u>Industrial</u>									
Industrial Park	\$1.096	\$1.044	\$0.1664	\$0.147					sq. ft.
Manufacturing	\$0.605	\$0.577	\$0.1664	\$0.147					sq. ft.
Warehousing	\$0.767	\$0.731	\$0.1664	\$0.147					sq. ft.
Mini-Warehouse	\$0.41	\$0.391	\$0.1664	\$0.147					sq. ft.
<u>Residential</u>									
Single Family Detached	\$1,307	\$1,242	\$176.73	\$101.29	\$612.00	\$1,453.40	\$1,222.28	\$842.80	unit
Total road, fire, police, park & school W. 77 Ave. E. 77 Ave.						\$3,650.42	\$3,419.30	\$3,039.82	
plus (max. 3,800 sq. ft. per unit)					\$0.918	\$3,585.42	\$3,354.30	\$2,974.82	
Apartment (Rentals)	\$983	\$936	\$187.39	\$101.29	\$612.00	\$741.75	\$725.63	\$540.73	unit
Total road, fire, police, park & school W. 77 Ave. E. 77 Ave.						\$2,625.43	\$2,609.31	\$2,424.41	
plus (max. 3,800 sq. ft. per unit)					\$0.918	\$2,578.43	\$2,562.31	\$2,377.41	
Condominium	\$921	\$877	\$187.39	\$101.29	\$612.00	\$741.75	\$725.63	\$540.73	unit
Total road, fire, police, park & school W. 77 Ave. E. 77 Ave.						\$2,563.43	\$2,547.31	\$2,362.41	
plus (max. 3,800 sq. ft. per unit)					\$0.918	\$2,519.43	\$2,503.31	\$2,318.41	
Townhouse	\$921	\$877	\$187.39	\$101.29	\$612.00	\$1,247.01	\$998.68	\$785.83	unit
Total road, fire, police, park & school W. 77 Ave. E. 77 Ave.						\$3,068.69	\$2,820.36	\$2,607.51	
plus (max. 3,800 sq. ft. per unit)					\$0.918	\$3,024.69	\$2,776.36	\$2,563.51	
Mobile Home	\$756	\$720	\$176.73	\$101.29	\$612.00	\$1,453.40	\$1,222.28	\$842.80	unit
Total road, fire, police, park & school W. 77 Ave. E. 77 Ave.						\$3,099.42	\$2,868.30	\$2,488.82	
plus (max. 3,800 sq. ft. per unit)					\$0.918	\$3,063.42	\$2,832.30	\$2,452.82	
<u>Lodging</u>									
Hotel	\$1,094	\$1,042	\$0.3848	\$0.147					room/sq. ft.
Motel	\$1,281	\$1,220	\$0.3848	\$0.147					room/sq. ft.
<u>Recreational</u>									
Marina	\$465	\$443	\$0.2912	\$0.147					berth/sq. ft.
Golf Course	\$5,910	\$5,631	\$0.2912	\$0.147					hole/sq. ft.
Racquet Club	\$6,745	\$6,427	\$0.2912	\$0.147					Court/sq. ft.
<u>Institutional</u>									
Elementary School	\$31	\$30	\$0.2912	\$0.147					St. Sta./sq. ft.
High School	\$127	\$121	\$0.2912	\$0.147					St. Sta./sq. ft.
Jr./Community College	\$209	\$199	\$0.2912	\$0.147					St. Sta./sq. ft.
University	\$373	\$355	\$0.2912	\$0.147					St. Sta./sq. ft.
Church/Synagogue	\$0.857	\$0.817	\$0.2912	\$0.147					sq. ft.
Day Care Center	\$1.138	\$1.085	\$0.2912	\$0.147					sq. ft.
<u>Medical</u>									
Hospital	\$1.543	\$1.470	\$0.3848	\$0.147					sq. ft.
Nursing Home	\$239	\$228	\$0.3848	\$0.147					bed/sq. ft.
<u>Office</u>									
General Office Building									
1 - 50,000	\$2.607	\$2.484	\$0.2392	\$0.147					sq. ft.
50,001 - 100,000	\$2.206	\$2.102	\$0.2392	\$0.147					sq. ft.
100,001 - 200,000	\$1.863	\$1.775	\$0.2392	\$0.147					sq. ft.
200,001 - 300,000	\$1.693	\$1.614	\$0.2392	\$0.147					sq. ft.
300,001 - 400,000	\$1.566	\$1.492	\$0.2392	\$0.147					sq. ft.
400,001 - 500,000	\$1.486	\$1.416	\$0.2392	\$0.147					sq. ft.
500,001 - 600,000	\$1.423	\$1.356	\$0.2392	\$0.147					sq. ft.
600,001 - 700,000	\$1.376	\$1.311	\$0.2392	\$0.147					sq. ft.
700,001 - more	\$1.33	\$1.268	\$0.2392	\$0.147					sq. ft.
Medical Office Building	\$3.142	\$2.994	\$0.2392	\$0.147					sq. ft.
Research Center	\$1.211	\$1.154	\$0.2392	\$0.147					sq. ft.
Business Park	\$2.259	\$2.153	\$0.2392	\$0.147					sq. ft.
<u>Retail</u>									
1 - 10,000	\$2.408	\$2.294	\$0.2912	\$0.147					sq. ft.
10,001 - 50,000	\$1.317	\$1.255	\$0.2912	\$0.147					sq. ft.
50,001 - 100,000	\$1.015	\$0.967	\$0.2912	\$0.147					sq. ft.
100,001 - 200,000	\$2.606	\$2.483	\$0.2912	\$0.147					sq. ft.
200,001 - 300,000	\$2.367	\$2.256	\$0.2912	\$0.147					sq. ft.
300,001 - 400,000	\$3.766	\$3.589	\$0.2912	\$0.147					sq. ft.
400,001 - 500,000	\$3.585	\$3.417	\$0.2912	\$0.147					sq. ft.
500,001 - 600,000	\$3.486	\$3.322	\$0.2912	\$0.147					sq. ft.
600,001 - 800,000	\$3.409	\$3.249	\$0.2912	\$0.147					sq. ft.
800,001 - 1,000,000	\$3.431	\$3.269	\$0.2912	\$0.147					sq. ft.
1,000,001 - 1,200,000	\$3.474	\$3.311	\$0.2912	\$0.147					sq. ft.
1,200,001 - more	\$3.374	\$3.215	\$0.2912	\$0.147					sq. ft.
<u>Services</u>									
Nursery Garden	\$2.02	\$1.925	\$0.2912	\$0.147					sq. ft.
Quality Restaurant	\$11.38	\$10.845	\$0.2912	\$0.147					sq. ft.
High Turnover Restaurant	\$9.441	\$8.996	\$0.2912	\$0.147					sq. ft.
Fast Food Restaurant	\$9.081	\$8.654	\$0.2912	\$0.147					sq. ft.
Car Sales	\$5.649	\$5.384	\$0.2912	\$0.147					sq. ft.
Service Stations	\$2.103	\$2.004	\$0.2912	\$0.147					Pump/sq. ft.
Convenience Retail	\$10.602	\$10.103	\$0.2912	\$0.147					sq. ft.

Bank (Walk-in)	\$2.02	\$1.925	\$0.2392	\$0.147	sq. ft.
Bank (Drive-in)	\$3.81	\$3.631	\$0.2392	\$0.147	sq. ft.

## LEGISLATIVE ANALYSIS

### *ORDINANCE RELATING TO ZONING; MODIFYING COUNTY COMMISSION VOTE REQUIREMENT ON CERTAIN CZAB DECISIONS*

Commissioner Barbara Carey-Shuler  
Commissioner Bruno A. Barreiro  
Commissioner Natacha Seijas

#### I. SUMMARY

This ordinance amends Section 33-313 (Appeals to Board of County Commissioners). This Ordinance will allow the Board of County Commissioners (BCC) to either affirm, modify, or reverse the Community Zoning Appeals Board (CZAB) with a vote of the majority of members present.

#### II. PRESENT SITUATION

- Any appealable decision of the CZAB may be appealed by an applicant, governing body of any municipality, if affected, or any aggrieved party, including neighborhood, community association and civic association.
- By resolution the BCC may either affirm, modify, or reverse the CZAB.
- The current ordinance allows the BCC to meet with seven (7) members and a majority vote of four (4) or more may uphold the approval of a CZAB item (*amendments or modifications included*).  
\*(The majority of the Board of County Commission members present)
- The current ordinance provides that the BCC must have 2/3 of the BCC members as a whole (at least nine (9) members) to determine the *reversal* of a CZAB denial.  
\*(2/3 of the Board of County Commission members as a whole)

#### III. POLICY IMPLICATIONS

- This legislation has been proposed due to deferring applications a number of times as a result of the inability to meet quorum for voting on appellate items.
- This ordinance will allow the Board to meet with seven (7) members and a majority vote of four (4) or more may determine the ruling of CZAB appellate items whether it is modifications, amendments, or reversals.  
\*(The majority of the Board of County Commission members present)
- This ordinance will provide the opportunity for the BCC to vote and make rulings on CZAB appellate items moving their agenda in a more efficient manner.



IV. ECONOMIC IMPACT  
N/A

V. COMMENTS

**\*\*Additional questions and answers summarized from discussions with the Department of Planning and Zoning are provided below.**

1. How many items were deferred due to there not being enough BCC members present to vote (going back to January 2004)?

*A total of 10 applications have been deferred 16 times since January 2004 because the BCC was unable to meet quorum.*

2. When were CZAB established?

*CZABs were established by ordinance in 1996. However, the first CZAB meeting was for CZAB-3 on 5/8/97.*

3. How many CZABs do we currently have in the County?

*There are currently 10 CZABs established (Boards 2, 5, 7, 8, 10, 11, 12, 14, 15, & 16).*

4. Do you believe this item may dilute the power, importance, or morale the Constituents currently find with the CZABs?

*The morale, significance, etc. of the Community Councils (CC) and the citizens should not be considered "diluted" by this proposal. A Community Council's decision would remain as a significant component of the zoning hearing process and will be taken into consideration by the BCC during their deliberations on a case. Furthermore, please note that any application coming before the BCC on appeal is considered "de novo" and the BCC may hear added testimony or different testimony that is meaningful in their decision-making process. The BCC (as well as the Community Councils) are charged with making all such decisions based on substantial competent evidence.*

*Additionally, the change in the regulations relating to the number of affirmative votes required may also be considered by applicants and the public alike as a "streamlining" of the process. Currently, when nine (9) members of the BCC are not present to hear a case, the case will be deferred. There have been instances when a case is deferred several times until there are nine (9) members of the BCC present.*

**BCC ITEM 6(D)**  
**February 1, 2005**

*Such instances cause considerable delays in the land use process for the applicants and considerable inconvenience to the general public who must travel downtown and typically wait through long agendas until their item of interest is called. Public confidence directly correlates with efficient processes.*

Attachment #1

The 2003 Florida Statutes

[Source: Florida Law Online, <http://www.floridalawonline.net/const.html#statutes>]

Title XLVI  
CRIMES

Chapter 893  
DRUG ABUSE PREVENTION AND CONTROL

**893.138 Local administrative action to abate drug-related, prostitution-related, or stolen-property-related public nuisances and criminal street gang activity.--**

(1) It is the intent of this section to promote, protect, and improve the health, safety, and welfare of the citizens of the counties and municipalities of this state by authorizing the creation of administrative boards with authority to impose administrative fines and other noncriminal penalties in order to provide an equitable, expeditious, effective, and inexpensive method of enforcing ordinances in counties and municipalities under circumstances when a pending or repeated violation continues to exist.

(2) Any place or premises that has been used:

(a) On more than two occasions within a 6-month period, as the site of a violation of s. 796.07;

(b) On more than two occasions within a 6-month period, as the site of the unlawful sale, delivery, manufacture, or cultivation of any controlled substance;

(c) On one occasion as the site of the unlawful possession of a controlled substance, where such possession constitutes a felony and that has been previously used on more than one occasion as the site of the unlawful sale, delivery, manufacture, or cultivation of any controlled substance;

(d) By a criminal street gang for the purpose of conducting a pattern of criminal street gang activity as defined by s. 874.03; or

(e) On more than two occasions within a 6-month period, as the site of a violation of s. 812.019 relating to dealing in stolen property

may be declared to be a public nuisance, and such nuisance may be abated pursuant to the procedures provided in this section.

(3) Any county or municipality may, by ordinance, create an administrative board to hear complaints regarding the nuisances described in subsection (2). Any employee, officer, or resident of the county or municipality may bring a complaint before the board after giving not less than 3 days' written notice of such complaint to the owner of the place or premises at his or her last known address. After a hearing in which the board may consider any evidence, including evidence of the general reputation of the place or premises, and at which the owner of the premises shall have an opportunity to present evidence in his or her defense, the board may declare the

**Attachment #1**

place or premises to be a public nuisance as described in subsection (2).

(4) If the board declares a place or premises to be a public nuisance, it may enter an order requiring the owner of such place or premises to adopt such procedure as may be appropriate under the circumstances to abate any such nuisance or it may enter an order immediately prohibiting:

(a) The maintaining of the nuisance;

(b) The operating or maintaining of the place or premises, including the closure of the place or premises or any part thereof; or

(c) The conduct, operation, or maintenance of any business or activity on the premises which is conducive to such nuisance.

(5) An order entered under subsection (4) shall expire after 1 year or at such earlier time as is stated in the order.

(6) An order entered under subsection (4) may be enforced pursuant to the procedures contained in s. 120.69. This subsection does not subject a municipality that creates a board under this section, or the board so created, to any other provision of chapter 120.

(7) The board may bring a complaint under s. 60.05 seeking temporary and permanent injunctive relief against any nuisance described in subsection (2).

(8) This section does not restrict the right of any person to proceed under s. 60.05 against any public nuisance.

(9) As used in this section, the term "controlled substance" includes any substance sold in lieu of a controlled substance in violation of s. 817.563 or any imitation controlled substance defined in s. 817.564.

(10) The provisions of this section may be supplemented by a county or municipal ordinance. The ordinance may include, but is not limited to, provisions that establish additional penalties for public nuisances, including fines not to exceed \$250 per day; provide for the payment of reasonable costs, including reasonable attorney fees associated with investigations of and hearings on public nuisances; provide for continuing jurisdiction for a period of 1 year over any place or premises that has been or is declared to be a public nuisance; establish penalties, including fines not to exceed \$500 per day for recurring public nuisances; provide for the recording of orders on public nuisances so that notice must be given to subsequent purchasers, successors in interest, or assigns of the real property that is the subject of the order; provide that recorded orders on public nuisances may become liens against the real property that is the subject of the order; and provide for the foreclosure of property subject to a lien and the recovery of all costs, including reasonable attorney fees, associated with the recording of orders and foreclosure. No lien created pursuant to the provisions of this section may be foreclosed on real property which is a homestead under s. 4, Art. X of the State Constitution. Where a local government seeks to bring an administrative action, based on a stolen property nuisance, against

**BCC ITEM 6(D)**  
**September 9, 2004**

**Attachment #1**

a property owner operating an establishment where multiple tenants, on one site, conduct their own retail business, the property owner shall not be subject to a lien against his or her property or the prohibition of operation provision if the property owner evicts the business declared to be a nuisance within 90 days after notification by registered mail to the property owner of a second stolen property conviction of the tenant. The total fines imposed pursuant to the authority of this section shall not exceed \$15,000. Nothing contained within this section prohibits a county or municipality from proceeding against a public nuisance by any other means.

**History.**--s. 7, ch. 87-243; s. 2, ch. 90-207; s. 1, ch. 91-143; s. 6, ch. 93-227; s. 1, ch. 94-242; s. 42, ch. 96-388; s. 1829, ch. 97-102; s. 1, ch. 97-200; s. 2, ch. 98-395; s. 1, ch. 2000-111; s. 5, ch. 2001-66.

## LEGISLATIVE ANALYSIS

*ACQUISITION OF 1.32-ACRES OF VACANT LAND LOCATED AT NW 112<sup>TH</sup> AVENUE  
AND NW 17<sup>TH</sup> STREET, MIAMI-DADE COUNTY FOR MIAMI-DADE FIRE RESCUE  
DEPARTMENT*

*FOLIO #30-3031-000-0010*

Miami-Dade Fire Rescue Department

### I. SUMMARY

- The Miami-Dade Fire Rescue Department (MDFR) is seeking to acquire a vacant lot of 1.32 acres, located on the northeast corner of NW 112<sup>th</sup> Avenue and NW 17<sup>th</sup> Street. Acquiring this parcel of land will allow MDFR the opportunity to construct the Dolphin Fire Rescue Station (District 12).
- Two independent property appraisers have determined that the fair market value (FMV) of the land is \$861,982.00.
- The purchase price for the property is \$840,360.00.
- The development of the facility is projected to commence October 2005 with a completion date of November 2007.

### II. PRESENT SITUATION

- The current Miami-Dade Fire Rescue facilities in the proposed adjacent area are:
  - **MDFR Headquarters** is over two (2) miles away from the proposed location for the Dolphin Fire Rescue Station.
  - **Fountainbleau Fire Rescue Station** is over two (2) miles away from the proposed location for the Dolphin Fire Rescue Station.
  - **Sweetwater Fire Rescue Station** is over one and a half (1 ½) miles away from the proposed location for the Dolphin Fire Rescue Station.

(ATTACHMENT: Map of proposed Dolphin Fire Rescue Station and other MDFR facilities in close vicinity.)



## LEGISLATIVE ANALYSIS

### *RESOLUTION CHANGING THE NAME OF THE MIAMI GARDENS/CAROL CITY DISTRICT POLICE DEPARTMENT TO THE MIAMI GARDENS POLICE DISTRICT*

Commissioner Barbara J. Jordan

#### I. SUMMARY

This resolution will change the name of the Miami Gardens/Carol City District Police Department to the Miami Gardens Department.

#### II. PRESENT SITUATION

- The Miami Gardens/Carol City District Police is named after the geographical jurisdiction the officers currently patrol and protect.
- The City of Miami Gardens is presently in a 3-year agreement with Miami-Dade County for police services (interlocal incorporation mitigation agreement).
- This Resolution originally proposed to change the police department to the "City of Miami Gardens Police District".
- Although, this police station is special in the sense that the overwhelming majority of the officers will only serve within the City of Miami Gardens, there is currently no police station named after a city. The police stations are named after the jurisdiction or area they serve.
- The Community Outreach, safety, and Healthcare Administration Committee (COSHA) discussed the proposal and agreed they did not want to set a precedent nor any confused perception of who is in control or liable for the police services of that station.
- The COSHA Committee forwarded the foregoing proposed resolution as amended to change the name of the Miami Gardens/Carol City District Police Department to Miami Gardens Police District (Note: *The Resolution originally proposed to change the police department to the "City of Miami Gardens Police District"*).

#### III. POLICY CHANGE AND IMPLICATION

N/A

#### IV. ECONOMIC IMPACT

N/A



V. COMMENTS AND QUESTIONS

N/A

## LEGISLATIVE ANALYSIS

*FOURTH SUPPLEMENTAL AGREEMENT TO THE PROFESSIONAL SERVICES  
AGREEMENT WITH HNTB CORPORATION, CONTRACT NO. TA00-FEIS, RE-  
EVALUATION OF THE NORTH CORRIDOR FINAL ENVIRONMENTAL IMPACT  
STATEMENT*

Miami-Dade Transit

### I. SUMMARY

This Supplement (No. 4) would add \$815,547 and a twelve (12) month time extension to the Professional Service Agreement (PSA) with HNTB Corp., for the development of a Supplemental Draft Environmental Impact Study (DEIS) and a re-evaluation of the Final Environmental Impact Study (FEIS) associated with the North Corridor Metrorail Project.

### II. PRESENT SITUATION

The Federal Transit Administration (FTA) has asked Miami-Dade Transit (MDT) to re-submit a Supplemental DEIS reflecting present day conditions along the North (27<sup>th</sup> Ave) Corridor.

- May 25, 1999, Parsons Brinkerhoff Quade & Douglas is awarded Supplemental PSA for environmental impact statement preparation for North Corridor project.
- November 30, 2004, HNTB Corp. was approved by the Board of County Commissioners to provide preliminary engineering services for the East/West Corridor Project with a contract ceiling amount of \$29.9 million.
- December 10, 2004, Parsons Transportation Group (different company than PBQ&D) was approved to be awarded a consultant contract for preliminary engineering work on the North Corridor project. (Contract Ceiling \$12.9 million)
- January 13, 2005, Transportation Committee is asked to approve extension with HNTB Corp., for Supplemental DEIS and FEIS environmental impact statements for North Corridor project.

### III. POLICY CHANGE AND IMPLICATION

None

**February 1, 2005**

#### **IV. ECONOMIC IMPACT**

Increase of \$ 815,547 (or 69.9%) to contract amount.

The funding source identifies 50% Federal, 25% State and 25% PTP monies for this contract. However, since no funding agreements have been agreed to with the Federal or State Agencies, the initial and only dedicated source for funding for these types of services is the PTP Surtax.

Approximately \$11 million has been appropriated to Miami-Dade County through 2003 from the FTA for preliminary design and planning for the North Corridor Project.

#### **V. QUESTIONS AND COMMENTS**

As with projects this large, that have been around for many years, the Board can expect that many different companies may have done similar work on the same projects.

However, PBQ&D, HNTB Corp., and Parsons Transportation Group, all have responsibilities on at least one, if not multiple corridor projects. Although this may foster familiarity with said projects, there is also the competitive nature of the consulting business, where too many consultants on one project may hamper the project.

##### **Currently:**

**HNTB, Corp.** - has a piece of North Corridor project, as listed in this item, and is Lead Consultant for preliminary engineering for East/West Corridor (as of November 30, 2004).

**Parsons Transportation Group** - Lead Consultant for preliminary engineering on North Corridor.

**PBQ & D** - Being brought to the BCC as recommended "Super-consultant" over all corridor projects. Has also been acting as consultant on North Corridor since mid 90's.

## LEGISLATIVE ANALYSIS

### *RESOLUTION DIRECTING OCED, THE BEACON COUNCIL, AND THE EMPOWERMENT TRUST TO CREATE INCENTIVE PROGRAM FOR OUT OF STATE BUSINESSES*

Commissioner Dorrin D. Rolle

#### I. SUMMARY

This directs the Empowerment Trust, the Beacon Council and the Office of Community and Economic Development (OCED) to create an incentive program to encourage **out-of-state** companies *receiving County contract awards in excess of \$10 million* to locate offices and/or facilities in urban areas of Miami-Dade County.

#### II. PRESENT SITUATION

There are several economic development programs – in the form of grants, tax breaks and loans – currently offered by Miami-Dade County, including:

- Empowerment Zone and Enterprise Zone programs
- Urban Jobs Tax Credit program
- Commercial Revitalization program
- Public Purpose Lending program
- Micro-Lending program
- Mom and Pop program

The above programs have various qualification requirements, such as restriction to a geographical area, hiring employees from a specified area, limits on yearly gross revenues, etc.

#### III. POLICY IMPLICATIONS

The purpose of this new program is to offer **additional** incentives for out-of-state companies awarded County contracts in excess of \$10 million.<sup>1</sup> Because the incentive program is expressly geared to out-of-state companies, it would (unless otherwise specified) exclude companies based in other parts of Florida, such as North Florida.

#### IV. ECONOMIC IMPACT

The cost to the County depends on the funding source(s) identified. This cost ideally may be more than offset by the effects of new businesses, including greater economic investment and activity in the area, the creation of jobs, and utilization of previously under-developed land and resources, as well as making the area more attractive for future investment.

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<sup>1</sup> The \$10 million threshold is intended to apply to single contract awards, not a cumulative total.

February 1, 2005

## V. COMMENTS

The County has and will continue to award contracts valued in the tens of millions of dollars to non-Florida firms because many products and services are simply not available locally. A number of upcoming initiatives, particularly those funded by the ½ cent Transit tax and the General Obligation Bond, are likely to make it more appealing for out-of-state businesses to establish a long term presence. Yet, relocation incentives are still needed to sustain investments and relationships in South Florida, particularly for urban areas in need of revitalization.

- To ensure that eligible businesses are aware of available incentives, they should be informed as early as possible in the procurement process, such as at RFP advertisement.

Encouraging relocation of businesses, especially manufacturing and technological firms, requires more than economic incentives; the availability of skilled labor is essential.

- For this reason, these incentives programs could be offered in conjunction with education, training, and/or apprenticeship programs or partnerships.

In 1999, Dade, Broward and Palm Beach County signed an interlocal agreement regarding economic cooperation and the use of economic incentives. The counties agreed that they would not use public funds to cause a business to relocate from one county to another county. They further agreed that the use of public funds as incentives to induce a business outside the region to locate in any of the three counties is permissible.

- Informing Broward and Palm Beach County about this new proposed incentive program is important, as new companies locating in any of the counties may be beneficial to the entire region.

## LEGISLATIVE ANALYSIS

### *WAIVER OF FORMAL BID PROCEDURES TO AUTHORIZE THE PARK AND RECREATION DEPARTMENT DIRECTOR TO EXECUTE UMPIRE AND SCOREKEEPER CONTRACTS*

Park and Recreation Department

#### SUMMARY

This resolution authorizes a waiver of formal bid requirements of Administrative Order 3-38, to allow the Park and Recreation Department Director to execute contracts with individual umpires and scorekeepers at County parks.

#### PRESENT SITUATION

On Nov. 5, 1985 the Board of County Commissioners approved a waiver of formal bid procedures and requirements of Administrative Order 3-2 to secure softball umpires and scorekeepers at County parks. That resolution authorized the Manager to execute service agreements and increase the fees and total expenditures at a rate not to exceed 5 percent per year. Administrative Order 3-2 has since been replaced by Administrative Order 3-38, prompting for a new resolution.

#### POLICY CHANGE AND IMPLICATION

This resolution adjusts the fee schedule approved in 1985 to reflect current regional market rates for softball umpire and scorekeepers; and retains the provision to allow the Manager to increase the fees yearly at a rate not to exceed 5 percent. A new resolution was needed because the original Administrative Order 3-2 was replaced by Administrative Order 3-38.

According to the updated contract, scorekeepers shall receive:

- \$8.40 per game
- \$7.50 per practice game
- \$1 additionally per game for computing batting averages

The breakdown for umpires' fees is as follows:

- \$18 per game (\$4 additional if sole umpire working the game)
- \$50 maximum per day to conduct training/education sessions

An individual scorekeeper or umpire will not be paid more than \$8,000 for the duration of the one-year contract. The Department shall pay no more than \$420,000 per year on all agreements combined.

### ECONOMIC IMPACT

The Park and Recreation Department has allocated \$420,000 in its fiscal budget to pay for the all contracts relating to umpire and scorekeeper services. These budgeted expenses are offset by softball league fees paid by the teams.

### COMMENTS AND QUESTIONS

The following is the answer to a query posed to the Park and Recreation Department:

Q: Are the proposed rates for softball umpires and scorekeepers in keeping with a national standard? If not, how was that pay scale derived?

*A: The softball umpire and score keeper rates are a result of staff doing comparative local surveys for these services within the greater Miami-Dade and Broward areas in fiscal 2001-02. We are competitive in our payments, but on the slightly lower side.*

## LEGISLATIVE ANALYSIS

### *AMENDMENT TO A00-PARK-02*

Park and Recreation Department

#### **I. SUMMARY**

This item extends by two years a professional services agreement with 10 firms hired to provide design and construction administration services for projects at multiple parks.

#### **II. PRESENT SITUATION**

The original agreement, which was ratified on April 23, 2002, awarded each firm \$1,500,000, for a term of three years. At the end of this current term the firms would have used approximately \$10 million of the total \$15 million allocation.

The agreements are being funded by the Safe Neighborhood Parks Bond (SNP), Quality Neighborhood Initiative Program (QNIP), and Impact Fees (IF).

#### **III. POLICY CHANGE AND IMPLICATION**

The purpose of this two-year extension in time is to allow the Park and Recreation Department to use the consultant contracts up to capacity, which is \$ 1.5 million each.

#### **IV. ECONOMIC IMPACT**

The funds for these contacts were allocated previously from SNP Bonds, QNIP, and impact fees. Other funding sources will *not* be tapped.

#### **V. COMMENTS AND QUESTIONS**

The original item named the General Obligation Bond as a source of funding for the contracts; however, after much debate at the committee level the item was amended to exclude the GOB as a funding source.



## LEGISLATIVE ANALYSIS

### *MODIFICATION TO LEASE AGREEMENT WITH CARRFOUR SUPPORTIVE HOUSING, INC.*

Miami-Dade Homeless Trust

#### I. SUMMARY

- Modification to lease agreement with Carrfour Supportive Housing, Inc. (Carrfour) for a transitional housing facility at 1398 SW 1<sup>st</sup> Street (formerly known as Esperanza Center) to require construction of the following:
  - Forty-eight (48) residential units (25 units of permanent supportive housing, 14 transitional units, and 9 affordable housing units)
  - A ground floor Hispanic Branch of the Miami-Dade Public Library system (12,000 square feet).
  - A parking structure to accommodate 146 vehicles (50 spaces for the library and 96 spaces for the residents)
  - One floor with office space, classrooms, etc. program space for Carrfour social service staff, a kitchen and multi-purpose community rooms.

#### II. PRESENT SITUATION

- Carrfour Supportive Housing, Inc., a nonprofit organization founded in 1993, is a provider of housing and social services for formerly homeless persons, or those at risk of homelessness. In 2001, Carrfour was selected by the Homeless Trust via a Request for Applications (RFA) process to be the owner/operator of this facility. Villa Aurora is an affiliate of Carrfour.
- The current lease agreement with Carrfour required rehabilitation of the existing building to accommodate up to 46 homeless persons and transitional housing for homeless families in 14 dormitory-style units (shared bathrooms).
- Delays associated with the rehabilitation stemmed from the inability to obtain a permit for dormitory-style units from the City of Miami, even with intervention from the County Manager and the City Manager.
- The Hispanic Branch library (6,000 sq. ft) is currently at a leased location (22<sup>nd</sup> Avenue and Flagler St.).<sup>1</sup> Staff indicates that parking is limited and crossing the street is difficult because it is at a busy intersection.

#### III. POLICY IMPLICATIONS

- This will be the first mixed-use project incorporating transitional housing in Miami-Dade County.

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<sup>1</sup> The address is not 27<sup>th</sup> Avenue and Flagler, as stated in the Manager's memorandum.

**February 1, 2005**

**IV. ECONOMIC IMPACT**

- An application for \$9 million from the Florida Housing Finance Committee for State Tax Credits is currently pending. This is a set-aside program for homeless projects. Carrfour has been 100% successful in past years; however, the lease is structured so if Carrfour does not get the tax credits, they can reapply next year.
- Attached is a spreadsheet of public funding tied to the facility (except the Library).
- The estimated projected capital cost for the Hispanic Branch library is \$5 million (\$2.4 million for construction, \$2.6 million for all other startup costs, collections and FF&Es). Since this estimate is based on the cost for a stand-alone facility, it may be less since the library will be occupying one floor of a multi-story building.
  - The Library has three construction projects in the General Obligation Bond (GOB). The plan is to substitute one of the projects for the Hispanic Branch project. The substituted project would then be built under the Library's capital plan.

**V. COMMENTS**

- The new facility will be named the Villa Aurora Center.
- Per the project timeline, the Center (and the library) will be completed in the last quarter of 2007.

Villa Aurora's Funding Sources and Uses:

<u>Funding Source</u>	<u>Amount Awarded</u>	<u>Expended</u>	<u>Balance</u>	<u>Use</u>
HOME (FY 1995 - Disaster Relief Funds) (a total of \$525K awarded for purchase & rehab)	\$270,000	\$270,000	0	Purchase
Community Partnership for Homeless (FY 1995 - Private)	255,000	255,000	0	Purchase
HOME (funds originally awarded to CCSA in FY 1995 and FY 2000 and reallocated to Carrfour in 2001 (\$229,489 (balance remaining of the original \$525,000) and an additional \$170,000)	399,489	0	399,489	Rehab
HOME (FY 2002)	500,000	0	500,000	Rehab
CDBG (FY 2002)	75,000	0	75,000	Service Delivery
FEMA	229,356.70	71,000	158,356.70	Rehab
2001 SHP (FL14B100002)	200,000	0	200,000	Rehab
	156,950	0	156,950	Supportive Services
	119,250	0	119,250	Operation
	23,810	0	23,810	Admin.
			500,010	
(FL14B100005)	200,000	0	200,000	Rehab
	156,950	0	156,950	Supportive Services
	119,250	0	119,250	Operation
	23,810	0	23,810	Admin.
			500,010	
(FL14B1000014)	371,425	0	371,425	Supportive Services
	18,571	0	18,571	Admin.
			389,996	
(FL14C1000021)	1,484,700	0	1,484,700	25 SRA, S+C Units
<b>TOTALS:</b>	<b>\$4,603,561.70</b>	<b>(\$596,000)</b>	<b>\$4,007,561.70</b>	

LEGISLATIVE ANALYSIS

*RESOLUTION URGING THE FLORIDA LEGISLATURE TO ENACT LEGISLATION  
PROVIDING GREATER ACCESS TO IMMIGRANTS WISHING TO OBTAIN FLORIDA  
DRIVER'S LICENSES*

Commissioner Katy Sorenson  
Commissioner Bruno Barreiro  
Commissioner Jose "Pepe" Diaz

**I. SUMMARY**

This Resolution is urging the Florida Legislature to approve legislation providing immigrants the opportunity to acquire driver licenses.

**II. PRESENT SITUATION**

The Florida Department of Highway Safety and Motor Vehicles provides guidelines for Non-United States Citizens and Immigrants.

**Non-United States Citizens**

Original Driver License or Identification Card Florida law requires identification, proof of date of birth and social security number (if issued) from all customers before a driver license or identification card can be issued.

**Immigrants**

Each immigrant who applies for an original driver license or identification card must submit:

1. Alien Registration receipt card, (Green card, Form I-151 or I-551); or
2. I-551 stamp in passport or on I-94; or
3. Immigration Judges Order, with the customer's A-number, granting asylum; or
4. I-797, with the customer's A-number, stating the customer has been granted asylum; or
5. I-797 or another form from the Bureau of Citizenship and Immigration Services, with the customer's A-number, stating the customer's application for Refugee status is approved; or

February 1, 2005

Non-Immigrants

Each non-immigrant who applies for an original driver license or identification card must submit:

1. Employment authorization card issued by the United States Department of Justice (Form I-688B or I-766); or
2. Proof of nonimmigrant classification provided by United States Department of Justice (Form I-94, not expired, with required supporting attachment(s). If in doubt regarding required documents, please bring all of your INS documentation with you.). I-94s must be accompanied by a Passport. Certain classifications require additional documentation. Some examples are:
  - F-1 and M-1 classification must also be accompanied by an I-20.
  - I J-1 or J-2 designation must be accompanied by an IAP-66.
  - Refugee, asylee and parolee classifications must be accompanied by additional documentation.

The following documents will only be accepted with a supporting document, including but not limited to a Passport, Florida Driver License or Identification Card, Driver License from any other state, Employment Authorization Card, Employer Identification, Identification from home country, Identification from school or college, Social Security Card or other INS document.

3. I-571 Travel Document/Refugee Travel Permit
4. I-512 Parole Letter Accepted
5. IJO- Asylum or Cancellation of Removal - Immigration Judges Order granting Asylum or Cancellation of Removal.
  - All required and supporting documents MUST be original or certified.
  - Documents must be valid for more than 30 days from the date of issuance.
  - Non-U.S. citizens applying for an original driver license will be issued a 30-day, no photo, paper temporary permit and a receipt. Non-U.S. citizens applying for an identification card will be issued a receipt.
  - All records are transmitted to our database in Tallahassee, where the information will be examined and run against FDLE, FBI and INS databases.
  - Upon identity and legal status verification, a driver license or identification card will be issued within 30 days from Tallahassee, mailed to the address on the driver record. The license or identification card will be issued for the period of time specified on the INS document.
  - If a problem is detected, a denial of issuance letter will be mailed to the customer.

### Canadian Citizens

Under federal law, Canadian citizens are non-immigrants and are allowed to stay in the U.S. without obtaining INS documentation. Canadians without INS documents must provide proof of Canadian citizenship to be issued a Florida driver license or identification card by presenting **two** of the following documents:

1. Canadian passport
2. Canadian driver license
3. Original or certified Canadian birth certificate
4. Canadian Naturalization Certificate

All Canadian citizens will be issued an original or renewal driver license for two calendar years from the date of issue.

If you are not a Canadian citizen and have a Canadian driver license, you are required to provide the same proof of legal presence as any other non-U.S. citizen.

### III. POLICY IMPLICATIONS

- This item simply urges the state to review and revise any modifications they deem necessary to amend the Florida driver license requirements.
- This is a state action we cannot tell the state what documentation is adequate nor can we implement this without state changing the current law.
- The intent of this resolution is to urge the state legislature to provide driver's licenses to undocumented/illegal immigrants.
- The argument is that undocumented immigrants play a significant role in our economy and as a matter of safety we should provide them with a driver's license for it will assure that they will be better drivers by meeting minimum driving standards. In theory allowing the respective persons the ability to get driver's licenses will assist these persons with becoming insured responsible drivers as well as improving the safety on our roads.
- Others will argue that this type of legislation not only accepts but condones persons driving without being legally documented as well as implying that it is suitable driving along our roadways without meeting such requirements.
- Persons opposing the likes of this legislation may also point to Jackson Memorial Hospital and Miami Public Schools as well as other government programs undocumented/illegal immigrants reap the benefits from at the expense of county constituents.

#### IV. ECONOMIC IMPACT

This issue has been heavily debated in the last year and we should be cautious and mindful of what we are asking for.

- As of last fall, the U.S. Congress debated a Republican proposal to prohibit states from issuing driver's license to illegal/undocumented immigrants.
- Many on Capital Hill lawmakers are against giving illegal immigrants' driver's license, and they have stated that this would simply assist terrorists and their operations in the United States.
- Some have argued that passing legislation such as this contradicts the renewed efforts by the U.S. government of strengthen the borders, as well as homeland security, and making it more difficult rather than easier for undocumented persons to freely move in and around the United States.
- Within the last year California, North Carolina, Utah, Florida and other states have begun looking at reforming their requirements for driver's licenses.
- Despite debates on Capital Hill, there are 10 states that do not require proof of permanent residency to receive a driver's license.

#### V. COMMENTS AND QUESTIONS

(\*\*Questions and Answers are provided per our correspondence/conversation with the Miami-Dade County Police Department)

1. This item does not specifically state whether potential legislation would provide driver's licenses for immigrants under special circumstances or across the board for all immigrants {including undocumented /illegal immigrants}.
2. \*\*What currently takes place when a person maneuvering a vehicle is stopped and subsequently identified as an undocumented/illegal immigrant?  
  
\*\*When MDPD officers stop anyone operating a vehicle they are advised to check the person's driver's license to see if they are authorized and privileged from the State Department of Highway Safety and Motor Vehicles. If for some reason an officer checks the immigration status of the driver, and it is revealed that they are an undocumented immigrant, we refer those type cases to the Federal Authorities.
3. \*\*Is there a standard policy for this type of incident or is this handled on a case by case basis?

**BCC ITEM 10(A)(2)**

**February 1, 2005**

**\*\*During such circumstances, MDPD must comply with standards and address inquiries relating to the actual driving of the individual. During routine traffic stops, record checks are conducted on the individual drivers for warrants. This check provides any criminal violations the individual may have within the local, state, or national systems. Traffic stops or improper licensing are issues dealt with according to state driving laws, not federal immigration laws. Immigration holds or issues must be brought to the attention of the respective federal authorities to detain/arrest the undocumented individual. If the federal authorities are not notified, unidentified persons may go undetected for some time.**



## LEGISLATIVE ANALYSIS

### *RESOLUTION REQUIRING MEMBERS OF ALL COUNTY BOARDS TO COMPLETE ETHICS TRAINING COURSE.*

Senator Javier D. Souto

#### I. SUMMARY

This requires all current and future members of all County boards to complete an ethics training course including the Conflict of Interest and Code of Ethics Ordinance, the Sunshine Law and the Public Records Law. The Commission on Ethics and Public Trust ("COE") would develop the training and generate a quarterly report listing the names of all board members who have not completed the ethics training course.

#### II. PRESENT SITUATION

Currently, the COE provides ethics training for municipalities, community councils and members of certain County boards.. However, it is not mandatory for current or future members of County boards to attend said ethics training.

#### III. POLICY IMPLICATIONS

This resolution would make it mandatory for all current and future County board members to complete the ethics training course, including members of the eighteen (18) boards that are currently exempt from the application of the Miami-Dade County Conflict of Interest and Code of Ethics ordinance pursuant to Resolution R-340-03 adopted on April 8, 2003. (See attached.)

#### IV. ECONOMIC IMPACT

The COE currently provides ethics training; therefore the training would be provided at no additional cost to the boards.

#### V. COMMENTS

The Employee Relations Department currently provides a "New Employee Orientation" which includes an ethics portion for all new County employees, and an "Ethics Training Program." However, the employee training is different from the training provided by the COE.

**BCC ITEM 10(A)(6)**

**February 1, 2005**

The following County boards are **currently** exempt from the application of the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance:

1. Affirmative Action Advisory Board
2. Aircraft Noise Abatement Task Force for MIA
3. Asian American Advisory Board
4. Bicycle/Pedestrian Advisory Committee
5. Black Affairs Advisory Board
6. Commission on Disability Issues
7. Commission for Women
8. Community Image Advisory Board
9. Community Relations Board Nominating Committee
10. Community Small Enterprise Program
11. Dial-A-Life Program Advisory and Oversight Board
12. Domestic Violence Oversight Board
13. Equestrian Center Advisory Board
14. Hispanic Affairs Advisory Board
15. Minority and Women-Owned Business Advisory Board
16. Parks and Recreation Citizens Advisory Committee
17. Racial Profiling Advisory Board
18. Transportation Aesthetics Review Committee

## LEGISLATIVE ANALYSIS

### *RESOLUTION REQUESTING MATCHING FUNDS OF \$12,500 TO MIAMI FREE ZONE FOR AGENCIA DE PROMOCAO DE EXPORTACOES DO BRASIL.*

Commissioner Jose "Pepe" Diaz

#### I. SUMMARY

- Agencia de Promocao de Exportacoes do Brasil (APEX) and Miami Free Zone have indicated that an incentive package in the amount of \$12,500 and an equal match from the State of Florida Closing Fund *"may be"* enough to offset the costs of this project.
- This would be a one-time payment as an incentive to establish a permanent office in Miami-Dade County.
- According to the International Trade Consortium (ITC), APEX's establishment will enable approximately 300 Brazilian companies to launch Brazilian products into the U.S. within a three (3) year period.

#### II. PRESENT SITUATION

- APEX is the official export promotion agency of Brazil. Brazil's national objective is to increase exports to the United States from \$28 billion dollars to \$100 billion dollars annually.
- Brazil is Miami-Dade County's largest trade partner with a \$9.2 billion dollar impact to our economy in 2003.
- APEX is currently considering Miami and Atlanta to establish a distribution center. Reportedly, Atlanta has offered APEX a package of incentives that would include: reduced rent of \$6.50 per square foot vs. an at-cost rate of \$9.00 at the Miami Free Zone and funds for relocation.

#### III. POLICY IMPLICATIONS

- Other companies may follow this example and seek incentives from the County when other incentives (e.g. QTI, etc.) are not available.

#### IV. ECONOMIC IMPACT

- According to ITC staff, this project has the possibility of creating hundreds of jobs and company incorporations as well as, millions of dollars in trade.
- APEX's interest in Miami-Dade County emphasizes Miami as the "Gateway of the Americas" and could help the County's goal of acquiring the FTAA Permanent Secretariat.
- The County Manager is directed to identify a funding source.

**BCC ITEM 10(A)(7) SUBSTITUTE**  
**February 1, 2005**

**V. COMMENTS**

**QUESTIONS:**

- If the \$12,500 equal match from the State of Florida Closing Fund doesn't come through, is the County going to be liable for the full amount? If yes, will there be a back-up funding source identified?